



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 16, 1998

Ms. Christine Mirbagheri
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-2718

Dear Ms. Mirbagheri:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119485.

The Dallas Police Department (the "department") received a request for an internal affairs report arising from a complaint filed against a police officer on April 21, 1998, for his alleged inadequate investigation into an incident that occurred January 10, 1998. You contend that this report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108(a)(1) excepts from disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if release of the information would interfere with the detection, investigation, or prosecution of crime. You state that the requested report relates to an ongoing criminal investigation into the underlying incident. You have supplied the statement of the assistant district attorney assigned to prosecute the case arising from that incident, which indicates that the requested internal report relates to that pending case and that release of the report would hamper the prosecution of this offense. Based upon these representations, and our examination of the report at issue, we conclude that the release of this internal report would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. – Houston[14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W. 2d 559 (Tex. 1976)(court delineates law enforcement interests that are present in active cases). The department may therefore withhold the report in its entirety, pursuant to section 552.108 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Michael Jay Burns", written in a cursive style.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 119485

Enclosures: Submitted documents

cc: Mr. David Lloyd
P.O. Box 601094
Dallas, Texas 75360
(w/o enclosures)